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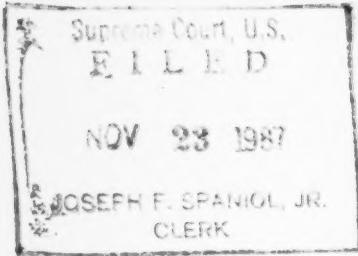
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NO.

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1987



Mary Catherine Halvorsen,

Petitioner,

vs.

Ferguson & Burdell,

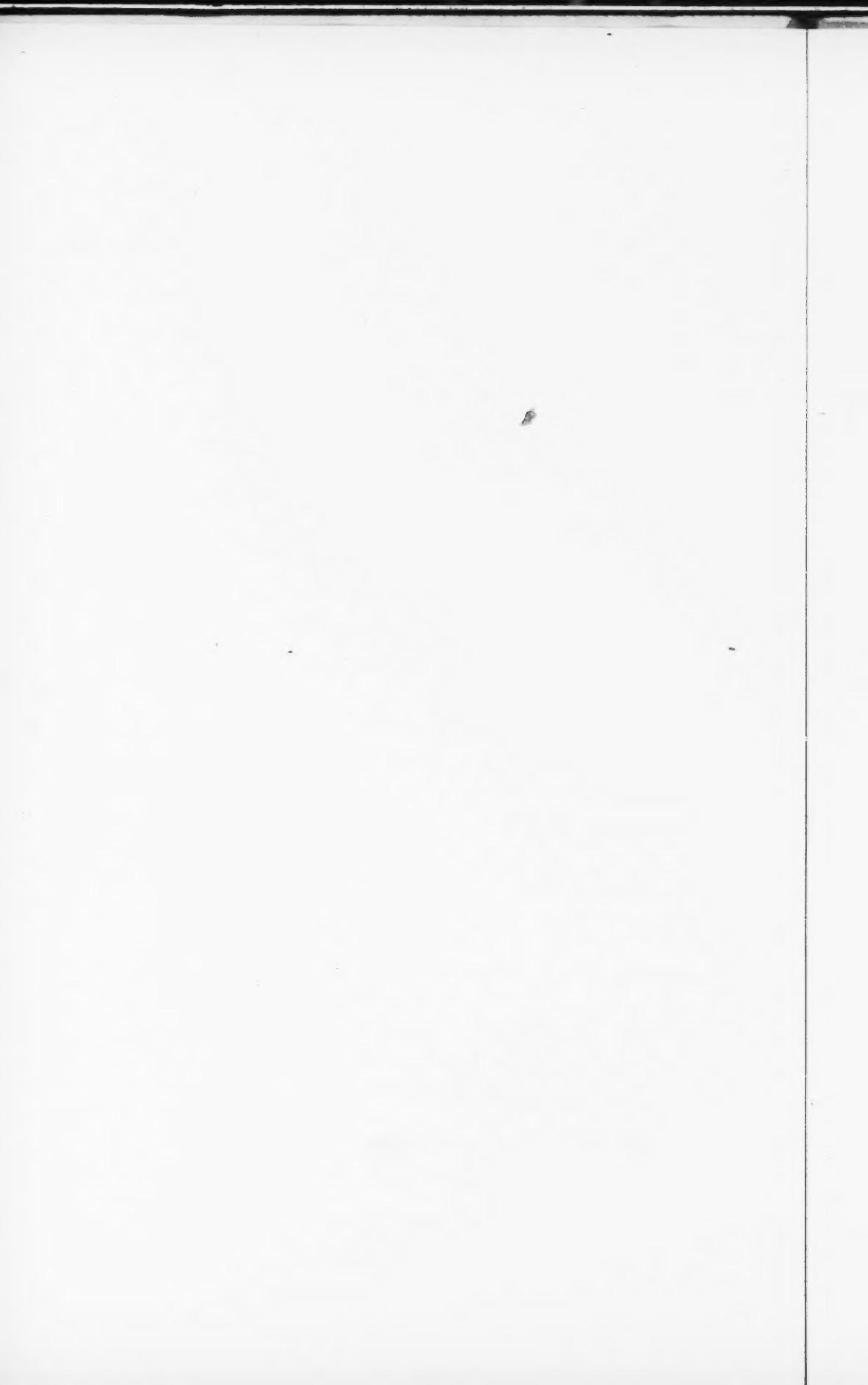
Respondent.

PETITION FOR WRIT OF MANDAMUS TO
THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT
AND
THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

M. C. Halvorsen
8324 N.E. Hidden Cove Road
Bainbridge Island, WA 98110
(206) 842-5439

Petitioner Pro Se

909



QUESTIONS PRESENTED

Is it a basic infringement on an individual's Constitutional right to prosecute an appeal in a Federal Circuit Court of Appeals other than the one geographically designated for such appeals after the appellant could not receive a fair and impartial hearing of the appeal in the correct geographically located Circuit?

The question presented for review is a question of jurisdiction of an appeal filed to a Circuit Court other than the one geographically designated for a particular District Court because the appellant could not receive a fair and impartial hearing of the appeal in the geographically designated Circuit.

PARTIES TO THE PROCEEDING

Petitioner: M. C. Halvorsen, Pro Se

Respondent: Ferguson & Burdell, A
Professional Service Partnership

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No. -

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vs.

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Respondent.

PETITION FOR WRIT OF MANDAMUS TO
THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT AND
THE UNITED STATES DISTRICT COURT
W. DISTRICT OF WASHINGTON AT SEATTLE

1. Petitioner is the appellant in the case.
2. Petitioner prays for a Writ of Mandamus and /or Writ of Certiorari to the Eighth Circuit Court of Appeals to accept the appeal of Petitioner and to the District Court of the - Western District of Washington at Seattle to process petitioner's appeal.

2.

OPINION BELOW

The opinion below is that the Eighth Circuit Court of Appeals refused to accept Petitioner's appeal and the Clerk at the District Court for the Western District of Washington at Seattle refused to process Petitioner's appeal to the Eighth Circuit.

JURISDICTION & STATUTES INVOLVED

This Court has jurisdiction under 28 USC §331 and 28 USC §1441; Petition for Writ of Mandamus and Petition for Writ of Certiorari.

STATEMENT OF THE CASE

Mary Catherine Halvorsen, Petitioner, petitions the Court to settle a controversy on jurisdiction of a United States Appellate Court. The background is as follows:

Petitioner tried to file her suit against Ferguson & Burdell in the United States District Court, Western District of Washington in Tacoma, rather than in Seattle, because she could not receive a fair hearing in Seattle.

The District Court in Tacoma, however, refused to allow her to file there and sent the case to Seattle.

The defendants petitioner is suing and the attorneys representing defendants are wealthy, influential law firms with franchise offices in Washington, D.C. and possibly other places as well. One of the defendants as well as one of the attorneys representing the defendants is a past president of the Washington State Bar Association. In addition, the attorneys for defendants also have a partner who serves in the state legislature as Chairman of the State Senate Judiciary Committee and who raised every judge's salary in the state of Washington while continuing to practice before the same judges whose salaries he had raised. Another partner in this same firm headed the Judicial Qualifications Commission, the discipline Commission in this state, serving at the same time these other partners served in the aforementioned capacities.

time these other partners served in the aforementioned capacities.

With influence like that in Seattle, Petitioner knew she would not receive a fair hearing and asked The District Court at Seattle for a change of venue. The District Court denied the Motion for Change of Venue and promptly dismissed her suit, as she knew they would. The judge who dismissed the suit is currently embroiled in a dispute with a judge in Tacoma over her objectivity.

Petitioner then filed Notice of Appeal (Appendix A) to the Eighth Circuit rather than the Ninth Circuit, because, again, she can not get a fair hearing there. The Ninth Circuit is very male chauvinist; denied women comparable worth; upheld a state award to an ex-husband to search his ex-wife's home four times a year; and never allows women oral argument. Petitioner's appeal would be doomed before she even files her Brief if she must file in the Ninth Circuit.

The Clerk at the District Court for the

Western District of Washington at Seattle, called Petitioner and told her that she could not process an appeal to the Eighth Circuit. Petitioner then wrote a letter, (Appendix B), telling the Clerk that she would send her appeal directly to the Eighth Circuit, which she did. The Clerk at the Eighth Circuit then returned the appeal with a letter stating he could not accept it as he had no jurisdiction. (Appendix C).

REASONS FOR GRANTING THE WRIT(S)

CAN A CIRCUIT COURT ACCEPT JURISDICTION TO HEAR AN APPEAL FROM AN APPELLANT WHO FILES IN A CIRCUIT COURT OTHER THAN THE ONE GEOGRAPHICALLY DESIGNATED IF THE APPELLANT CANNOT RECEIVE A FAIR HEARING IN THE ONE DESIGNATED?

The idea of an impartial trial is a fundamental cornerstone of our legal system. If a judge is prejudiced, the persons involved in the lawsuit cannot receive a fair trial and are thus denied due process of law.

The Washington State Courts have long recognized this principal. In State v. Cater's Motor

Freight, 27 Wn.2d 661, 667 (1947), the Court said:

The purpose of the constitutional guarantee of law is to protect the individual from arbitrary exercise of the powers of government.

At page 549, quoting from State ex rel. Barnard v. Board of Education, 19 Wash. 8, 52 Pac. 317, 67 Am.St. 706, 40 L.R.A. 317, the Court further states:

The principal of impartiality, disinterestedness and fairness, on the part of the judge, is as old as the history of the courts . . .

Further, in State ex rel. McFerran v. Justice Court, 32 Wn.2d 544 (1949), the court said:

It is fundamental that trial before a biased and prejudiced Judge would constitute denial of due process of law.

The jurisdiction question is not settled in the Federal Courts. 28 USC §1404 deals with the broad powers to transfer. If the ends of justice will be served, the transfer must be done. The only case cited is Norwood v. Kirkpatrick, 349 U.S. 29, 99 L.Ed. 789 (1955), a case which discusses how broad the power of another court accepting jurisdiction in the name of fairness.

7.

50 A.L.R.3d 765 states that changes are necessary and proper when they are "to promote the ends of justice by eliminating the effect of local prejudices".

If a particular court exhibits discrimination toward women in general and has strong ties to the wealthy law firms of the area it serves, than an appellant should be able to file in another Circuit Court of Appeals.

CONCLUSION

For the foregoing reaons, appellant should be allowed to file her appeal with the Eighth Circuit Court of Appeals.

Respectfully submitted,

M. C. Halvorsen

Petitioner Pro Se



APPENDIX A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARY CATHERINE HALVORSEN,)
)
 Plaintiff,) NO. C87-617R
v.)
) NOTICE OF APPEAL
FERGUSON & BURDELL, et al.,)
)
 Defendants.)

Notice is hereby given that Mary Catherine Halvorsen, plaintiff above-named, hereby appeals to the United States Court of Appeals for the Eighth Circuit from the Order dismissing plaintiff's case against Ferguson & Burdell, dated August 4, 1987, entered August 4, 1987, and received by plaintiff August 7, 1987

Plaintiff is appealing to the Eighth Circuit because it is common knowledge women cannot obtain a fair hearing from the Ninth Circuit.
Witness the comparable worth decision.

DATED this 1st day of September 1987.

(Signature)

Mary Catherine Halvorsen, Plaintiff
8234 N.E. Hidden Cove Road
Bainbridge Island, Washington 98110
Telephone: (206) 842-5439



APPENDIX B

8324 N.E. Hidden Cove Road
Bainbridge Island, Wash. 98110
September 3, 1987

Clerk of the Court
United States District Court
1010 Fifth Avenue
Seattle, Washington

Re: NO. C87-617R

Dear Clerk of the Court:

Pursuant to our conversation this morning wherein you informed me that you could not process an appeal to the Eighth Circuit Court of Appeals, I am writing this letter.

I will send my appeal directly to the Eighth Circuit myself.

Thank you for your attention to this matter.

Sincerely yours,

(Signature)
Mary Catherine Halvorsen
plaintiff

cc: David W. Ross
Karr, Tuttle et al.,
2500 Third Avenue Building
1111 Third Avenue
Seattle, Washington 98101



APPENDIX C

8324 N.E. Hidden Cove Road
Bainbridge Island, Wash. 98110
September 3, 1987

Clerk of the Court
United States Court of Appeals
Eighth Circuit
511 U.S. Court and Customs House
St. Louis, Mo. 63101

Re: C87-617R

Dear Clerk of the Court:

Enclosed herewith are the following:

NOTICE OF APPEAL
CERTIFICATION OF MAILING
LETTER TO CLERK OF THE COURT, U.S.
DISTRICT COURT, SEATTLE

As per my letter to the Clerk of the District Court in Seattle, I am sending my appeal directly to you for processing.

Thank you for your attention in this matter.

Very truly yours,

(Signature)
Mary Catherine Halvorsen

cc: David W. Ross
Karr, Tuttle et al.
2500 Third Avenue Building
1111 Third Avenue
Seattle, Washington 98101

Clerk of the Court
U.S. District Court
Seattle, Washington



APPENDIX D

UNITED STATES COURT OF APPEALS
For the Eighth Circuit
U.S. Court & Custom House
1114 Market Street
St. Louis, Missouri 63101

Robert D. St. Vrain 324-425-5600
Clerk FTS: 279-5600

Ms. Mary Catherine Halvorsen
8324 N.E. Hidden Cover Rd.
Bainbridge Island, WA 98110

Re: No. _____ Mary Catherine Halvorsen, vs.
Ferguson & Burdell, et al.

Dear Ms. Halvorsen:

Receipt is acknowledged of your letter of September 3, 1987, and enclosures. Your notice of appeal is being sent back to the Western District of Washington for processing in compliance with the rules. This court does not have jurisdiction to hear appeals from courts outside this Circuit.

Sincerely,

(Signature)
Robert St. Vrain
Clerk of Court

jh

Enclosures

cc: Bruce Rifkin, Clerk, U.S. District Court,
308 U.S. Courthouse, 1010 5th Ave.,
Seattle, WA 98104
(Dist. Ct. No. C87-617R)



APPENDIX E

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARY CATHERINE HALVORSEN,)
)
 Plaintiff,) NO. C87-617R
v.)
)
FERGUSON & BURDELL, et al.,) NOTICE OF APPEAL
)
 Defendants.) TO THE UNITED STATES
)
 SUPREME COURT

Notice is hereby given that Mary Catherine Halvorsen, plaintiff above-named, hereby appeals to the United States Supreme Court the issue of jurisdiction of filing an appeal in an Appellate Court of another Circuit when the regular Circuit Appellate Court is notably biased against women appellants.

DATED this 21st day of September 1987

(Signature)

Mary Catherine Halvorsen, Appellant
8234 N.E. Hidden Cove Road
Bainbridge Island, Washington 98110
Telephone: (206) 842-5439



LAW OFFICES OF
KARR, TUTTLE, KOCH, CAMPBELL,
MAWER, MORROW & SAX
A PROFESSIONAL SERVICE CORPORATION
1111 THIRD AVENUE, SUITE 2500
SEATTLE, WASHINGTON 98101
(206) 223-1313

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARY CATHERINE HALVORSEN,)
Plaintiff,) NO. C87-617R
v.) ORDER
FERGUSON & BURDELL, A FIRM) GRANTING
CONSISTING OF THE PARTNERS) DEFENDANTS
OF WILLIAM H. FERGUSON,) MOTION TO
WILLIAM WESSELHOEFT, DONALD) DISMISS
McL. DAVIDSON, EDWARD) AND FOR
HILPERT, JR., THOMAS J.) SANCTIONS
GREENAN, HENRY W. DEAN,)
WILLIAM B. MOORE, C. DAVID)
SHEPARD, W.J. THOMAS)
FERGUSON, JAMES E. HURT,)
WILLIAM D. STITES, BRUCE P.)
BABBIT, E.P. SWAIN, JR.,)
CHRISTOPHER KANE, and HENRY)
C. JAMES, and WILLIAM)
WESSELHOEFT and MARGARET)
WESSELHOEFT and THEIR MARI-)
TAL COMMUNITY,)
Defendants.)

The Court, having considered the motion
of defendants filed on June 3, 1987 seeking
an order dismissing the above-captioned
cause of action; the Affidavit of David F.
Ross with attached exhibits 1-9; the memoran-

ORDER GRANTING DEFENDANTS MOTION
TO DISMISS AND FOR SANCTIONS - 1



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dum of authorities filed in support;
responses of plaintiff; and having
considered the files and pleadings
herein; and

The Court having concluded that
there are no genuine issues of mater-
ial fact with respect to the motion;
and

The Court having concluded that
the above-captioned cause of action
was filed in violation of Rule 11,
Federal Rules of Civil Procedure:

NOW THEREFORE, IT IS ORDERED THAT:

1. Defendants motion to dismiss is
granted;

2. Plaintiff's cause of action is
dismissed with prejudice;

3. Sanctions are awarded to defen-
dants and agianst plaintiff for costs and
reasonable attorney's fees upon proper

ORDER GRANTING DEFENDANTS MOTION
TO DISMISS AND FOR SANCTIONS - 2



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substantiation.

DONE IN OPEN COURT THIS 4th
day of August, 1987.

(Signature)
HONORABLE BARBARA ROTHSTEIN

Presented by:

(Signature)
David F. Ross
Karr, Tuttle, Koch, Campbell,
Mawer, Morrow & SAX P.S.
Attorneys for Defendants

ORDER GRANTING DEFENDANTS MOTION
TO DISMISS AND FOR SANCTIONS - 3